

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

EDWARD BANKO,)	
)	Civil Action No. 06-1269
Plaintiff)	
)	Judge Thomas M. Hardiman/
vs.)	Magistrate Judge Lisa
)	Pupo Lenihan
)	
JEFFREY S. PRODEN, Esq.,)	
)	
Defendant)	

ORDER

The above captioned case was filed on September 22, 2006, and was referred to Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judge's Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

The Magistrate Judge's Report and Recommendation (doc. no. 13), filed on January 9, 2007, recommended that Plaintiff's Complaint (doc. no. 3) be dismissed in accordance with the Prison Litigation Reform Act, 28 U.S.C. § 1915 (e)(2)(B)(ii) for failure to state a claim upon which relief can be granted. Plaintiff was served at the State Correctional Institution at Waymart and was advised he was allowed ten (10) days from the date of service to file written objections to the report and recommendation. No objections have been filed. After review of the pleadings and documents in the case, together with the report and recommendation, the following order is entered:

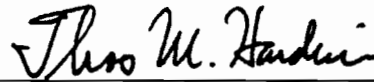
AND NOW, this 5th day of February, 2007;

IT IS HEREBY ORDERED that Plaintiff's Complaint (doc. no. 3) is **DISMISSED** in accordance with the Prison Litigation Reform Act, 28 U.S.C. § 1915 (e)(2)(B)(ii) for failure to state a claim upon which relief can be granted.

IT IS FURTHER ORDERED that the Report and Recommendation (doc. no. 13) of Magistrate Judge Lenihan, dated January 9, 2007, is adopted as the opinion of the court.

IT IS FURTHER ORDERED that the Clerk of Court mark this case **CLOSED**.

By the Court:

A handwritten signature in black ink, reading "Thomas M. Hardiman". The signature is written in a cursive style with a horizontal line underneath.

Thomas M. Hardiman
United States District Judge

cc: Lisa Pupo Lenihan
United States Magistrate Judge

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